REMARKS

This is intended as a full and complete response to the Office Action dated April 1, 2005, having a shortened statutory period for response set to expire on July 1, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-26 are pending in the application. Claims 1, 3-10, 12-19 and 21-26 remain pending following entry of this response. Claims 2, 11, and 20 have been cancelled. Applicants submit that amendments do not introduce new matter.

Claim Rejections - 35 U.S.C. § 101

Claims 1-9 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

Applicants have amended claims 1-9 as suggested by the Examiner, to recite a "computer implemented method." Accordingly, Applicants request that the rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8, 10-17, 19-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (hereinafter "APA") in view of Shah et al. (US. Patent 6,175,879 B1, hereinafter "Shah").

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the first and third criteria.

For example, neither *Shah*, nor APA teaches or suggests network communication techniques that comprise at least one of performing a single

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asynchronous accept operation and a single asynchronous receive operation. The Examiner cites to the Application, page 3, (describing operations in Figure 2) to argue that APA teaches "synchronous accept/receive APIs accept connections and receive data, page 3 ln.13-16." *See, Office Action,* Page 3. The operations described in page three describe either synchronous operations or asynchronous operations that require a plurality of accept and receive operations (e.g., the loops illustrated by reference number 215 and 224 in Application, Figure 2). The Application goes on to distinguish these operations:

> Accordingly, as is evident by comparison of FIG. 14 with FIGS. 1 and 2, various redundant processing has been eliminated. Comparing FIG. 14 to FIG. 2, for example, the asynchronous accept operation 208 has been taken out of the loop 215 and replaced with the asynchronous continuous accept operation 1408. Further, the loop 224 has been eliminated by virtue of utilizing the record definitions 364/366 and the need for redundant asynchronous receives [operations] 222 issued by a worker thread has been eliminated.

Application, paragraph 89. As recited in claims 1, 10, and 19, the network communication method requires only a single, continuous mode operation.

Furthermore, the Examiner concedes that the APA does not teach or suggest a single receive or send operation: "APA does not explicit [sic] teach the term single operation, however, *Shah* teaches single operation (one of the Winsock APIs 44, col. 4, ln. 39-35)." *See Office Action,* page 3. *Shah,* however, is directed to socket threads that may be transitioned from a "receive any" to a "receive direct" state. (*See Shah,* Abstract). More specifically, the recited material from Shah is directed to using a "master mask" (i.e., a predefined pattern of bits) applied to a "current mask" and calling a function from the Winsock API, specifically, the "select" API function. See *Shah,* 4:35-45. Applicants submit that calling the "select" function from the Winsock API fails to teach or suggest the single, asynchronous receive/send operations in the manner claimed. Rather, as one of ordinary skill in the art would recognize, the Winsock API select function determines the status of one or more sockets, waiting if necessary, to perform synchronous I/O.

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Furthermore, Applicants respectfully submit that the use of the phrase in *Shah* of: "one of the Winsock API'S 44, i.e. the selects API, passing the current mask 46 thereto," *Shah*, 4:38-39, does not disclose a single operation; rather the "one" refers to which particular API function calls provided by the Winsock API is being called. In fact, this function is called repeatedly in the method disclosed by *Shah*. "As shown in FIG. 5, the common listening thread 36 loops forever." *Shah*, 4:35-36. The method illustrated in *Shah*, Figure 5, loops back, at step 508, to a step prior to the step calling the Winsock API select function. Thus, *Shah* fails to disclose performing "a single operation." Accordingly, Applicants submit that claims 1, 10, and 19, and the rejected claims dependent therefrom, are allowable and request withdrawal of this rejection.

Claims 9, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *APA* in view of *Shaw*, and further view of *Joh* (U.S. Patent 6,175,879B1 "*Joh*"). For reasons described above, Applicants submit independent claims 1, 10, and 19 are allowable. Accordingly, claims 9, 18, and 22, which depend from 1, 10, and 19, are also allowable. Applicants request withdrawal of this rejection.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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